Decision for dispute CAC-UDRP-107149

Case number	CAC-UDRP-107149
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Domain names	arcelormittalsusa.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Walter Schick

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or concluded legal proceedings concerning the domain name <arcelormittalsusa.com> ('the disputed domain name').

IDENTIFICATION OF RIGHTS

The Complainant, ArcelorMittal, claims rights to the following registered trade mark:

- International trade mark registration no. 947686, registered on 3 August 2007, for the word mark ARCELORMITTAL, in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42 of the Nice Classification.

The above trade mark shall be referred to as 'the Complainant's trade mark' or 'the trade mark ARCELORMITTAL'. Furthermore, the Complainant owns numerous domain names incorporating the term 'arcelormittal', particularly <arcelormittal.com>, registered in 2006 and actively utilised as the Complainant’s primary website for the promotion of ARCELORMITTAL products.

The disputed domain name was registered on 6 December 2024 and currently resolves to parking page provided by 'Hostinger' (for present purposes, 'the Respondent's website').

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant is the largest steel producer globally, specialising in automotive, construction, household appliances and packaging, with a production of 58.1m tons of crude steel in 2023.

B. Respondent's Factual Allegations

The Respondent has failed to submit a Response in this UDRP administrative proceeding, resulting in the Complainant's allegations remaining unchallenged.

PARTIES CONTENTIONS

A. Complainant's Submissions

The Complainant's contentions can be summarised as follows:

A.1 The disputed domain name is confusingly similar to a trade mark in which the Complainant has rights

The disputed domain name <arcelormittalsusa.com> is confusingly similar to the Complainant's trade mark ARCELORMITTAL. The mere addition of the letter 's' and the geographical term 'usa' fails to diminish the striking resemblance. Established jurisprudence confirms that the incorporation of a registered trade mark into a domain name suffices to demonstrate confusing similarity.

Moreover, the generic Top-Level Domain ('the TLD') suffix (<.com>) is typically disregarded in the assessment of identity or confusing similarity under paragraph 4(a) of the UDRP Policy.

A.2 The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Respondent has no rights or legitimate interests concerning the disputed domain name. The Respondent is not known by the disputed domain name, nor has there been any authorisation from the Complainant to use its trade mark ARCELORMITTAL. Additionally, the disputed domain name currently resolves to a parking page, signalling an absence of legitimate use and an intent to mislead Internet users.

A.3 The Respondent registered and is using the disputed domain name in bad faith

A.3.1 Registration

The Complainant asserts that the trade mark ARCELORMITTAL is both well-known and distinctive, a fact acknowledged in prior UDRP decisions, notably CAC Case No. 101908, ARCELORMITTAL v China Capital; and CAC Case No. 101667, ARCELORMITTAL v Robert Rudd. It is reasonable to conclude that the Respondent registered the disputed domain name with full knowledge of the Complainant's rights.

A.3.2 Use

The Respondent has demonstrated no activity concerning the disputed domain name, which remains inactive. The Complainant argues that any conceivable act of use would be illegitimate – including passing off or infringement of consumer protection legislation. Previous UDRP panel decisions suggest that the incorporation of a famous trade mark into a domain name, coupled with an inactive website, constitutes evidence of bad faith.

Furthermore, the Respondent has configured the disputed domain name with an MX record, suggesting a potential misuse for email purposes. Therefore, the Complainant concludes that the Respondent has acted in bad faith.

B. Respondent's Submissions

The Respondent has defaulted in this UDRP administrative proceeding, failing to advance any substantive defence.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the UDRP Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the UDRP Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under the UDRP have been duly met, with no grounds preventing a decision from being issued.

PRINCIPAL REASONS FOR THE DECISION

A. UDRP Threshold

Pursuant to Rule 15 of the UDRP Rules, the Panel shall decide a complaint based on the statements and documents submitted, along with the UDRP Policy, the UDRP Rules, and any applicable rules and principles of law.

Under paragraph 4(a) of the UDRP Policy, the Complainant must establish three critical elements for a successful claim:

i. The disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;

ii. The Respondent has no rights or legitimate interests in respect of the disputed domain name; and

iii. The disputed domain name has been registered and are being used in bad faith.

The burden of proof lies with the Complainant to prove all three elements. The standard of evidence in UDRP administrative proceedings is the balance of probabilities, and the Panel will now assess each criterion in turn.

B. Identical or Confusingly Similar

This criterion requires a direct comparison between the disputed domain name and the Complainant's established rights. The Complainant has demonstrated rights through its trade mark registration for ARCELORMITTAL. A straightforward examination reveals that the disputed domain name <arcelormittalsusa.com> is confusingly similar to the Complainant's trade mark, with the TLD deemed immaterial in this evaluation. Consequently, the Complainant satisfies the requirement of paragraph 4(a)(i) of the UDRP Policy.

C. Rights or Legitimate Interests

The Respondent's default allows the Panel to draw adverse inferences (Rule 14 (b) of the UDRP Rules). The Panel finds that the Respondent is not commonly known by the disputed domain name and lacks any authorisation from the Complainant for its registration or use. The unchallenged evidence confirms no bona fide use has been made of the disputed domain name for any legitimate offering of goods or services, nor for fair use that is non-commercial in nature. The Complainant thus satisfies the second requirement of the UDRP Policy.

D. Registered and Used in Bad Faith

The Panel concludes firmly that the Respondent registered and has used the disputed domain name with full knowledge of the Complainant's rights and with the intention of targeting the Complainant. The Panel notes the following factors that illustrate the Respondent's intent:

• Global reputation: the Complainant holds a significant global reputation, which should have been clear to the Respondent at the time of registration of the disputed domain name;

• Similarity to the Complainant's trade mark: there exists an evident similarity between the disputed domain name and the Complainant's trade mark, which further indicates the Respondent's intention to cause confusion;

• Respondent's default: the Respondent's failure to participate in this UDRP administrative proceeding raises questions about the Respondent's true intentions and reinforces the presumption of bad faith;

• Misleading Internet users: the likely attempts by the Respondent to mislead Internet users for potential gain further support this presumption; and

• Absence of good faith use: there is no conceivable good faith use of the disputed domain name, which would align with any reasonable expectations of its registration.

In light of the above, the Panel finds that the Complainant has met the third and final requirement of the UDRP Policy.

E. Decision

For the above reasons, in accordance with paragraph 4(a) of the UDRP Policy and Rule 15 of the UDRP Rules, the Panel orders that the disputed domain name <arcelormittalsusa.com> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **arcelormittalsusa.com**: Transferred

PANELLISTS

Name	**Gustavo Moser**

DATE OF PANEL DECISION 2025-01-08

Publish the Decision